In the High Court of Judicature at Madras

Dated: 01.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.8723 of 2003

Shyam G.Duseja ..Petitioner

..vs..

1. The State of Tamil Nadu,
   rep.by the Secretary to Government
   Housing & Urban Development Department,
   Secretariat,
   Fort St.George,
   Chennai-600 009.

2. The Member Secretary,
   Chennai Metropolitan
   Development Authority,
   No.8, Gandhi Irwin Road,
   Egmore, Chennai-600 008.

3. The Chennai Metropolitan Water
   Supply and Sewerage Board,
   No.1, Pumping Station Road,
   Chennai-600 002 rep.by its
   Managing Director. ..Respondents

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of declaration, to declare that the provisions of Rule 19(b)(III)-(B) of Development Control Rules and Rule 13 of the Special Rules for Multi-storied Building as ultra vires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of security deposit of Rs.77,000/- for the proposed development and consequently direct the respondents to issue planning permission for proposed development of T.S.No.63, Block No.56, Old Door No.37A, New Door No.2, Arundale Beach, 3rd Street, Kalakshetra Colony, Old Survey No.168/pt. Thiruvanmiyur, Chennai-41, without insisting on the payment of security deposit for the proposed development, as contained in the Communication dated 10.03.2003 in Lr.No.B1/38894/01 of the 2nd respondent.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

For Petitioner : Mr.P.J.George

For Respondents : Mr.A.Edwin Prabhakar,
Govt.Advocate for R1

Mr.J.Ravindran for R2
Mr.N.Dorai Kannan for R3

ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

Learned counsel for the petitioner seeks permission to withdraw the above writ petition. He also made an endorsement to that effect in the writ petition. Accordingly, permission is granted and the writ petition is dismissed as withdrawn. However, it is made clear that the petitioner is free to challenge the provisions contained in Rule 19(b)(III)-(B) of the Development Control Rules, if need arises, at the appropriate time. No costs.

gl

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government,
Housing & Urban Development Department,
Fort St. George,Chennai-600 009.

2. The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Chennai-600 008.

3. The Managing Director,
Chennai Metropolitan Water
Supply and Sewerage Board,
No.1, Pumping Station Road,
Chennai-600 002.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

+ One cc to Mr. J. Ravindran, Advocate SR 59370.
GV (co)
sg 19/12/06

Writ Petition No.8723 of 2003
01.12.2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/